



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,909	09/11/2003	Ross J. Arnold	CIRC.012	5948
20987	7590	10/18/2006	EXAMINER	
VOLENTINE FRANCOS, & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190			SEDIGHIAN, REZA	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/659,909

Applicant(s)

ARNOLD ET AL.

Examiner

M. R. Sedighian

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,34,36 and 40 is/are rejected.
- 7) ☒ Claim(s) 3-31,33,35,37-39 and 41-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/11/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2613

1. Claims 33-43, should be renumbered as 32-42, since claim number 32 is not provided.

2. The word “apparati”, in page 1, paragraph 0002, second line, should change to
--- apparatus ---.

The word “wit”, in page 18, paragraph 00069, first line, should change to
--- with ---.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 36, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Adam et al. (US Patent No: 7,010,728 B2).

Regarding claim 1, Adam teaches a graphical user interface (GUI) for interfacing between a user and a controller of test equipment (col. 1, lines 50-65, col. 2, lines 53-67, col. 3, lines 1-5 and figs. 1, 3, 4, 7) used to test a device under test (col. 2, lines 40-41), the GUI comprising: a traffic icon (the one way, bi-directional or difference icon in fig. 3 and the direction and wavelength in fig. 4) operable to facilitate the user's setting of traffic parameters relating to a test of a DUT (col. 3, lines 5-9, 16-17); and an optics icon (the single or multiple wavelengths icon in fig. 3 and the wavelength icons in fig. 7) operable to facilitate the users's setting of optics parameters relating to the test (col. 3, lines 16-17, 48-49).

Regarding claim 2, Adam further teaches a local host icon being operable to present a list of test equipment connected to the GUI to the user for selection of at least one test equipment to conduct the test (col. 4, lines 10-13 and fig. 7).

Regarding claims 36 and 40, Adam teaches a graphical user interface (GUI) for controlling test equipment comprising: a first field operable to set at least one traffic protocol parameter (col. 3, lines 5-9, 16-17, the one way, bi-directional or difference icon in fig. 3 and direction and wavelength in fig. 4); and a second field operable to set at least one signal quality parameter (col. 3, lines 16-17, 48-49 and fig. 3 and the common test setting in fig. 7) and operating upon a user setting to affect the test equipment (col. 4, lines 10-14).

5. Claim 34 is rejected under 35 U.S.C. 102(e) as being anticipated by Coin et al. (US Patent No: 6,697,750 B1).

Regarding claim 34, Coin teaches a graphical user interface (GUI) for interfacing (col. 17, lines 50-51 and figs. 13, 14) between a user (230, 240, fig. 5) and a controller of test equipment (210, 110, fig. 5) used to test a device under test (UUTs, fig. 5), the GUI comprising: a test icon (the Test Port icons in fig. 13) operable to facilitate the user's setting of test parameters relating to a test to be performed on the DUT (col. 17, lines 50-54); an IntelliScript icon (Odyssey Parallel Testing in fig. 13) operable to facilitate the user's selection of a plurality of tests to perform on the DUT (col. 3, lines 48-54); a manual icon (the Scan icon in fig. 13) operable to facilitate the user's manual overriding of software-driven parameters relating to the test (col. 17, lines 62-65); a calibration icon (the Calibration icon in fig. 13) operable to facilitate a calibration of the test equipment (col. 17, lines 66-67, col. 18, lines 1-2); and a monitor icon

Art Unit: 2613

(the Real Time Test results icon in fig. 13) operable to facilitate the user's monitoring of the test (col. 18, lines 6-8).

6. Claims 3-31, 33, 35, 37-39, and 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


M. R. SEDIGHIAN
PRIMARY EXAMINER